



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,403	12/17/2004	Frederic Milliot	Q85026	9974
23373 7590 04/09/2008				
SUGHRUE MION, PLLC				
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800				
WASHINGTON, DC 20037				
EXAMINER				
VU, MICHAEL T				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
04/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,403

Applicant(s)

MILLIOT ET AL.

Examiner

MICHAEL T. VU

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remark, filed 2/01/2008, with respect to the rejection(s) of claim(s) 1-21 under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Barrett (US 6,167,280), Chandra (US 2002/0138582), and Rouse (US 2005/0159136).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10, 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Barrett (US 6,167,280).

Regarding claim 1, Barrett teaches a method of supplying configuration data to a mobile telephony device equipped with AT command management means (Col. 1, lines 10-63), the method comprising: (i) setting up a connection between said device (Col. 1, line 50-63, and Col. 2, lines 55-67) and a terminal containing service configuration data (Col. 3, lines 1-45) and (ii) exchanging service configuration data

between the terminal (Col. 1, lines 28-63) and the device by means of selected AT commands that the AT command management means of said device are able to interpret (Col. 1, lines 28-63, Col. 4, lines 14-31, and Col. 5, lines 12-50).

Regarding claim 2, Barrett teaches a method according to claim 1, wherein data representative of a provisioning protocol is extracted from the device by means of selected AT commands and then sent to the terminal so that said terminal may exchange said configuration data with said device in accordance with said provisioning protocol (Col. 1, lines 28-63, and Col. 4, lines 14-31).

Regarding claim 3, Barrett teaches a method according to claim 1, wherein said AT command management means extract said configuration data from the AT commands received from the terminal in order to supply it to application means requiring mobile Internet resources (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50).

Regarding claim 5, Barrett teaches a method according to claim 3, wherein said configuration data is supplied to a provisioning agent in said application means (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50).

Regarding claim 6, Barrett teaches a method according to claim 1, wherein at least certain of the configuration data stored in a memory of the device is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands for modifying certain data, after which the modified data is stored in said memory (Col. 3, lines 1-61). (Note: the memory stored information and/or data such as

user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services).

Regarding claim 7, Barrett teaches a method according to claim 6, wherein at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands representative of new configuration data, after which the new data is stored in said memory (Col. 3, lines 1-61). (Note: the memory stored information and/or data such as user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

Regarding claim 8, Barrett teaches a method according to claim 6, wherein at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data, the device is sent AT commands for deleting certain data from said memory (Col. 3, lines 47-61).

Regarding claim 9, Barrett teaches a mobile telephony device comprising AT command management means (Col. 1, lines 10-63) adapted to set up a connection (Col. 1, line 50-63, and Col. 2, lines 55-67) with a terminal containing service configuration data in order to exchange service configuration data (Col. 3, lines 1-45) with said terminal by means of selected AT commands I that its AT command management means are able to interpret (Col. 1, lines 28-63, Col. 4, lines 14-31, and Col. 5, lines 12-50).

Regarding claim 10, Barrett teaches a device according to claim 9, wherein it comprises application means requiring mobile Internet resources connected to said AT command management means and adapted to receive said configuration data (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50).

Regarding claim 12, Barrett teaches a device according to claim 10, wherein said application means comprise a provisioning agent adapted to manage the received configuration data and the configuration data to be sent to said terminal (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50).

Regarding claim 13, Barrett teaches a device according to claim 9, characterized in that it comprises a memory adapted to store said received data (Col. 3, lines 47-61).

Regarding claim 14, Barrett teaches a data processing terminal (Figure #1, Col. 1, lines 28-63) comprising a memory for storing service configuration data (Col. 3, line 62 through Col. 4, lines 31), and provisioning means adapted to set up a connection with a mobile telephony device according to claim 9 (See limitations included in claim 9) and to exchange service configuration data with said device by means of selected AT commands which the AT command management means of said device are able to interpret (Col. 1, lines 28-63, Col. 4, lines 14-31, and Col. 5, lines 12-50).

Regarding claim 15, Barrett teaches a terminal according to claim 14, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of data representative of a provisioning protocol in order to

exchange said configuration data with said device in accordance with said protocol (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50).

Regarding claim 16, Barrett teaches a terminal according to claim 15, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of at least certain of its configuration data and, on receipt of said configuration data, to send said device AT commands for modifying certain data (Col. 1, lines 28-63, and Col. 3, lines 1-61). (Note: the memory stored information and/or data such as user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

Regarding claim 17, Barrett teaches a terminal according to claim 15, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of at least certain of its configuration data and, on receipt of said configuration data, to send said device AT commands representative of new configuration data to be added to the other configuration data that it contains (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50). (Note: the memory stored information and/or data such as user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

Regarding claim 18, Barrett teaches a terminal according to claim 15, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of at least certain of its configuration data and, on receipt of said configuration data, to send said device AT commands for deleting certain of the configuration data that it contains (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-

Art Unit: 2617

50). (Note: the memory stored information and/or data such as user profiles (i.g. telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

Regarding claim 19, Barrett teaches the method according to claim 1 wherein said connection is selected from the group consisting of a cable connection and a radio connection (modems Col. 1, line 27 through Col. 2, line 23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett in view of Chandra (US 2002/0138582).

Regarding claims 4 and 11, Barrett teaches a method according to claim 3, wherein said application means are selected from the group comprising browser means (Col. 5, lines 11-29), onboard Java application means (Col. 4, lines 14-31).

But Barrett does not clearly teach onboard Multi Media Messaging application means.

However, Chandra teaches the support transmission of formatted images, sound, files, folders, and video attachments, in 1992 the Internet Engineering Task Force (IETF) created a multi-media messaging standard known as Multipurpose Internet Mail Extensions (MIME) Using MIME [0016], users of different kinds of computers can exchange e-mail messages that include formatted images, sound, files, folders, and video attachments. Further, a single MIME e-mail can contain alternative representations of the same data [0024]. For example, there can be an attachment in text form followed by one containing bitmap page images of the same information [0020-0024, 0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett, such that onboard Multi Media Messaging application means would be made available, in order to provide the certain collaborative computing applications that improves collaboration among groups of individuals, within corporations, among customers, partners, and suppliers, and among distributed computer systems.

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett in view of Rouse (US 2005/0159136).

Regarding claim 20, Barrett teaches a method according to claim 19, but **Barrett does not teach** wherein said radio connection is selected from the group consisting of an infrared connection and a "Bluetooth" connection.

However, Rouse teaches the method and system of the present invention may be implemented through various communication environments, such as a Wireless Application Protocol [0043], Bluetooth protocol, Global System Mobile protocol, Wireless Markup Language protocol and other wireless communication protocols [0119]. Bluetooth wireless communications technology provides the ability to exchange data and voice between communication devices. Bluetooth may include a radio-based standard for small personal devices to automatically connect and exchange information for personal wireless applications. Bluetooth may further include a short-range networking protocol for connecting different types of devices, such as mobile phone desktop or notebook computers [0119]. Bluetooth may enable access to the Internet via a phone's mobile data system and linking the user's voice to a computer. Devices that are Bluetooth enabled may communicate by wireless signals within a defined range where a line-of-sight connection is not needed. For example, Bluetooth technology may transfer an email from a user's cell phone to a PC for easier reading and reply [0119].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett, such that wherein said radio connection is selected from the group consisting of an infrared connection and a "Bluetooth" connection, in order to customize to the field of short range wireless device access and to a system and/or method for enabling user to send and receive messages over the short range wireless network.

Regarding claim 21, Barrett teaches the use of a method according to claim 1 to configure application means operating in accordance with **but Barrett does not clearly teach** a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols.

However, Rouse teaches the method and system of the present invention may be implemented through various communication environments, such as a Wireless Application Protocol [0043], Bluetooth protocol, Global System Mobile protocol, Wireless Markup Language protocol and other wireless communication protocols [0119]. Bluetooth wireless communications technology provides the ability to exchange data and voice between communication devices. Bluetooth may include a radio-based standard for small personal devices to automatically connect and exchange information for personal wireless applications. Bluetooth may further include a short-range networking protocol for connecting different types of devices, such as mobile phone desktop or notebook computers [0119]. Bluetooth may enable access to the Internet via a phone's mobile data system and linking the user's voice to a computer. Devices that are Bluetooth enabled may communicate by wireless signals within a defined range where a line-of-sight connection is not needed. For example, Bluetooth technology may transfer an email from a user's cell phone to a PC for easier reading and reply [0119].
Noted: CSD protocol is one of protocol such as a Wireless Application Protocol [0043].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett, such that a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols, in order to customize to the field of

Art Unit: 2617

wireless device access and to a system and/or method for enabling user to send and receive messages over the wireless network environments.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Vu/
Examiner
AU-2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617